[Rollcall Vote No. 150 Leg.]

YEAS—56

Abraham	Exon	McCain
Ashcroft	Faircloth	McConnell
Baucus	Frist	Moseley-Braun
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brown	Grams	Pressler
Burns	Grassley	Pryor
Campbell	Gregg	Robb
Chafee	Heflin	Rockefeller
Coats	Helms	Roth
Cochran	Hutchison	Santorum
Coverdell	Inhofe	Smith
Craig	Jeffords	Snowe
D'Amato	Kassebaum	Specter
DeWine	Kempthorne	Stevens
Dodd	Kyl	Thomas
Dole	Lott	Thompson
Domenici	Lugar	Warner
Dorgan	Mack	

NAYS—43

Akaka	Glenn	Lieberman
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hatch	Murray
Bradley	Hatfield	Nunn
Breaux	Hollings	Packwood
Bryan	Inouye	Reid
Bumpers	Johnston	Sarbanes
Byrd	Kennedy	Shelby
Cohen	Kerrey	Simon
Conrad	Kerry	Simpson
Daschle	Kohl	Thurmond
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	
Ford	Levin	

NOT VOTING—1

Pell

So, the motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Gorton Amendment No. 596 to H.R. 956, the Product Liability bill.

Bob Dole, Slade Gorton, Rick Santorum, Jim Inhofe, Conrad Burns, Pete V. Domenici, Hank Brown, Spencer Abraham, Paul D. Coverdell, Larry E. Craig, Dirk Kempthorne, Bob Smith, Trent Lott, Chuck Grassley, Judd Gregg, Mitch McConnell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the call of the roll has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Gorton amendment numbered 596 to H.R. 956, the product liability bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 46, nays 53, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—46

Abraham	Frist	Lott
Ashcroft	Gorton	Lugar
Bennett	Gramm	Mack
Bond	Grams	McCain
Brown	Grassley	McConnell
Burns	Gregg	Murkowski
Campbell	Hatch	Nickles
Chafee	Hatfield	Pressler
Coats	Helms	Santorum
Coverdell	Hutchison	Smith
Craig	Inhofe	Snowe
DeWine	Jeffords	Stevens
Dole	Kassebaum	Thomas
Domenici	Kempthorne	Warner
Exon	Kyl	
Faircloth	Lieberman	

NAYS—53

Akaka	Feinstein	Moynihan
Baucus	Ford	Murray
Biden	Glenn	Nunn
Bingaman	Graham	Packwood
Boxer	Harkin	Pryor
Bradley	Heflin	Reid
Breaux	Hollings	Robb
Bryan	Inouye	Rockefeller
Bumpers	Johnston	Roth
Byrd	Kennedy	Sarbanes
Cochran	Kerrey	Shelby
Cohen	Kerry	Simon
Conrad	Kohl	Simpson
D'Amato	Lautenberg	Specter
Daschle	Leahy	Thompson
Dodd	Levin	Thurmond
Dorgan	Mikulski	Wellstone
Feingold	Moseley-Braun	

NOT VOTING—1

Pell

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 53. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, assuming that this is free time, I ask unanimous consent that the Senator from California, Senator FEINSTEIN, be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Time is controlled and equally divided. Without objection, the Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair and I thank the Senator from West Virginia.

Mr. President, I have listened carefully over the past weeks of this debate—pro and con—on product liability. I am not an attorney, so I have tried hard to work through what is fair and what is not. While I would like to have an opportunity to vote for cloture on a more narrowly crafted bill, I cannot vote for this bill with the Dole amendment included. To do so, I believe, would extend the impact of the bill far beyond the limited field of product liability, and impose major limitations to redress of grievances across the board in all civil actions, without the opportunity of Committee hearings in the Senate and consideration of how the bill would impact other specific areas of the law.

Anyone who has read ''The Rainmaker,'' the newest best seller, can see what impact the Dole amendment would have, for example, in insurance cases. Insurance companies would be able to do exactly what was done in that book, act in bad faith. And I simply cannot support this.

I believe that Senators GORTON and ROCKEFELLER have worked hard to craft a bill with reasonable reforms that could pass this body. I was particularly pleased with the compromise reached with the Snowe amendment to limit punitive damages to two times compensatory, which is now part of this bill. This replaces the original fixed cap of $250,000, or three times economic damages, whichever is greater. I believe this would be a fair model which takes into consideration both women and children whose earnings may be limited or nonexistent.

I find myself in strong support of other major provisions of this bill, as well. Specifically, I support the imposition of a 2-year statute of limitations from the time the injury and its cause are discovered for a plaintiff to bring a lawsuit. This provision is actually more permissive than that in many States, and California. This provision is actually victim and plaintiff friendly.

Two, the imposition of a 20-year statute of repose, an outer time limit on litigation involving workplace durable and capital goods. This is a fair standard of repose.

The bill would eliminate product seller's liability—including that against wholesalers, distributors, and retailers—for a manufacturer's errors. Sellers would remain liable in cases of their own negligence. For example, if a seller removed the manufacturer's label from a toy that said it is not appropriate for children under 6 years of age, and a child was subsequently injured, the seller would be liable.

The bill would preserve a plaintiff's power to sue one defendant, theoretically the deep pocket, for the full amount of economic damages, but eliminate such joint and several liability for noneconomic damages, such as pain and suffering.

It would allow either party to offer to participate in alternative dispute resolution—something that I very much thought and hoped would be part of this bill, and which I believe is an important part, especially for the plaintiffs who have small claims.

The bill would bar recovery of a plaintiff who is more than 50 percent responsible for causing their accident

due to intoxication from alcohol or any drug. This puts a fair measure of the degree of culpability on a plaintiff in an action.

It would reduce the amount of the judgment against the defendant if the product user is found to have misused or altered the product. I believe this is a just and fair provision. It would eliminate liability of raw material suppliers for medical devices, such as the supplier of teflon/dacron, products often used to coat a medical device.

Finally, the bill would deny an employer at fault in causing a workplace injury the right of reimbursement for workers compensation benefits from an employee who wins in a suit against a manufacturer.

The tort liability system has been a particular source of concern to many, and that includes everyone: consumers, professional service providers, manufacturers, and public agencies, all of whom, in recent years, have faced increasing liability insurance costs. Over the last 40 years, general liability insurance costs have increased at over four times the rate of growth of the national economy. American manufacturers and products sellers generally pay product liability insurance rates that are 20 to 50 times higher than those of their foreign competitors. In a global marketplace, that becomes a real barrier to competition.

Many believe that the tort liability system of delivering compensation is seriously flawed, requiring high transaction costs to deliver compensation that some see as inadequate and others as too generous, but which most agree is uncertain and unpredictable.

Putting aside the size of the judgment for a moment, the transaction costs associated with the current product liability system—including plaintiff's attorney's fees, defense legal fees, court proceedings and other public expenditures, the time of the litigants—are enormous. The Rand Institute found that overall transaction costs of the tort system actually exceed compensation to plaintiffs.

Critics of product liability reform, on the other hand, argue that however well or poorly the system performs its compensation function, it must be preserved and indeed strengthened because of its importance as a means of deterring unlawful, careless, negligent conduct in the manufacturing of a product.

I believe the basic bill provides a fair and reasonable balance. Many of its provisions are either consistent with or based on California law.

The two key features of the bill that have raised the most concern are the cap on punitive damages and the joint and several liability provisions.

I was pleased to work with and support Senator SNOWE's amendment on a modified punitive damages formula that is responsive to the concern raised about the impact on women and children of the punitive damages cap in the original bill.

Instead of linking the punitive damages cap to a formula that is lopsided in favor of those with high amounts of lost wages, the modified formula links punitive damages to what I consider a fairer measure—the full compensation received by the plaintiff.

This formula is substantially that recommended by both the American College of Trial Lawyers and the American Law Institute, and both bodies have given a great deal of study and attention to the issue of punitive damages.

Although I would support a bill without a punitive damages cap, I have concluded that some reform of this area is needed.

The American College of Trial Lawyers, for example, commented that punitive damages awards ''* * * often bear no relation to deterrence and merely reflect a jury's dissatisfaction with a defendant and a desire to punish, often without regard to the true harm threatened by a defendant's conduct.'' They further note that ''* * * punitive damages should be more difficult to obtain and that the amounts of such awards should be subject to more control.''

The Supreme Court, as well, has expressed concern about punitive damages that ''run wild,'' and have clarified that it is the job of judges to review awards for their reasonableness.

In a recent law review article, it was noted that in recent years, the scope of punitive damages law has broadened considerably as the courts have applied them in new fields of law—such as product liability, mass tort litigation where punitive damages can be awarded repeatedly, and contract law—all areas of the law where punitive damages did not traditionally apply.

As a result, the number of awards has increased significantly. In my own State of California, between January 1, 1990, and December 31, 1994, there were 86 punitive damage jury verdicts in State courts that were equal to or greater than $1 million, out of several hundred cases, resulting totally in judgments of $1.7 billion. California has one of the largest number of punitive damages awards and size of awards in the Nation.

The Gorton substitute amendment, as modified by the Snowe amendment, I believe is the right approach. It retains punitive damages, which are a powerful tool for deterring conduct which society finds offensive and flagrant and, at the same time, ensures that more reasonable awards will be set.

Another area that has been of great concern are the provisions on joint and several liability. This provision in the bill is actually based on reforms enacted in California in 1986 by ballot initiative.

It neither appears reasonable nor fair to hold a defendant liable for more than their share of the fault just because they are the deep pocket or the only available party to be sued. The public policy has been that in selecting among parties to bear the burden, pick the deep pocket. I do not agree with that.

Again, I think the approach of the bill, as in California, is the fairest compromise, allowing for full economic compensation, but an apportioning of noneconomic losses among responsible parties in proportion to their level of fault.

I want to speak for a minute on biomaterials, which impacts the growing medical technology sector in my State. In April of last year, the New York Times reported that big chemical companies and other manufacturers of raw materials, used to make heart valves, artificial blood vessels, and other implants, began warning medical equipment companies that they intended to cut off deliveries because of fears of being joined in lawsuits.

In essence, many biomaterials suppliers simply will not provide their product to medical device manufacturers because such transactions involve low returns and a high risk of substantial losses.

Ms. Peggy Phillips, an attorney with a life-sustaining medical device, testified before a Commerce subcommittee and told me personally, of her own story. She suffers from sudden cardiac death syndrome—a disease where the patient's heart will unexpectedly stop beating for no apparent reason. As a result, Ms. Phillips had a life-saving device implanted in her body called an implantable defribillator. Essentially, it functions to shock her heart back to life and to maintain a constant heart beat.

This device and others like it, however, are in jeopardy, because, as Ms. Phillips noted, it does not make sense for biomaterial suppliers to continue providing those materials for device manufacturers.

She related a story of one supplier who spent $8 million annually defending itself in cases involving an implantable device even though that supplier had no role in the design, manufacture or sale of the device.

She noted that sales by all suppliers to the device ''totaled $418,000 while sales of this same raw material to all other markets totaled $282 million.''

The provisions of this bill, both preserve access to essential supplies and shorten the liability chain so that those who are truly responsible for the design, manufacture or sale of a product will be the party hauled into court to be held accountable.

The current State-by-State system of product liability is ever changing and filled with conflicting rules it presents, today, I believe, an unfair barrier to competition, and creates an unpredictability which is neither fair to business nor consumers because it translates into less development of new products and higher product costs for the consumer.

It is my hope that I will have an opportunity to vote on a narrow bill

which includes the provisions of this bill on which I have stated my support, but which does not include the Dole amendment crippling punitive damages in all civil actions.

The PRESIDING OFFICER. The additional 2 minutes has expired.

Mrs. FEINSTEIN. Mr. President, I thank the Chair. I thank the leader for his courtesy, and I want to thank the two authors of the bill. I know they have labored long and hard.

Mr. DOLE. Mr. President, I will take 2 or 3 minutes, and I think the Senator from Utah wishes to speak, and maybe others. There will be one more cloture vote on the substitute amendment.

Mr. HOLLINGS. Will the Senator yield? We will have our time? I know the majority leader is talking on leader's time.

Mr. DOLE. We each have 11 minutes.

The PRESIDING OFFICER. The minority time of 11 minutes has expired; the majority leader has time remaining.

Mr. HOLLINGS. Are we talking about those for and against the bill? Are we deemed the minority side? I think by the recent vote we would be the majority side.

I'll be glad to yield to the majority leader. I just wanted to have time.

The PRESIDING OFFICER. The Senator from West Virginia yielded time to the Senator from California, and the time of the minority has expired.

Mr. DOLE. We will work it out. We will just have to delay the vote. We have 10 minutes on this side.

Mr. HOLLINGS. Ten minutes.

Mr. DOLE. Maybe it will not take quite 10 minutes. We had somebody that wanted to leave at 2 o'clock. We will work it out.

Mr. HOLLINGS. We will work it out. We have regular order at 2 o'clock—another vote.

Mr. DOLE. We will delay it a few minutes so that the Senator will have time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I wanted to remind people before the next cloture vote that 83 percent of the American people want to reform our legal system. They want to eliminate abusive, large damage awards that benefit only lawyers and not the public, and they want commonsense, not dollars and cents, legal reform.

Who would have thought that 2 weeks ago a majority of the Senate would vote to extend punitive damages to all civil cases? It would have been hard to believe 2 weeks ago that a majority of the Senate would vote to add medical malpractice to the bill. It would have been hard to believe 2 weeks ago when we started on this bill that a majority in the Senate had proved by its vote that it wants to improve the legal system so that it benefits a majority of the Americans and not a majority of the trial lawyers.

Do not forget, with the votes we have been able to pretty much meet what the House did in a bipartisan way in the Contract With America. The vote in the House was 265 to 161. We had a lot of Democrats and a lot of Republicans come together and respond to the voices of the American people.

For the first time in 10 years, we have broken the stranglehold of the tort lawyers. We have heard the voices of the American people and passed amendments that protect entities as varied as small businesses, Girl Scouts, churches, Little Leagues, firefighters, and policemen.

For all this endorsement of change, the forces of status quo remain as strong as ever. They continue to object and delay, and our constituents pay more in the cost of this gridlock. The cost is steep.

Let me remind the Senate and the American people of the outrageous cost of our legal system: It adds about $8 to $11.50 to a dose of DPT childhood vaccine; it adds $20 to the cost of a $100 stepladder; it adds $100 to the price of a $200 high school football helmet; and $500 to the price of a new car.

Experts have estimated that without reform of our legal system, it costs every American $1,200, or $4,800 for a family of four. That is a cost of $300 billion per year, a tax on the American people. Any wonder why the American people want change and want Members to make as many changes as we can?

I do not have any anticipation that there will be a sudden switch and we will get cloture on the second vote. I think there were 46 voted for cloture—44 Republicans, 2 Democrats—and the balance who voted were opposed to cloture. There will be another cloture vote in the next 15 minutes. There is an opportunity for those who may have not fully understood the import or the impact of the vote ''yes'' on this cloture vote.

It seems to me if we are going to reform our legal system we have a pretty good package here. Not everything people wanted is in it, but it is a pretty strong package. We owe it to the American people, in my view, to invoke cloture on this bill and then proceed to pass the substitute as amended.

If that fails, there will be a substitute offered by the Senator from Washington and the Senator from West Virginia. But I think we have one last opportunity here to say that we are not doing business as usual. I hope that my colleagues will grab that opportunity. I yield the remainder of my time to the Senator from Utah.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, what is the parliamentary situation now? How much time is on either side?

The PRESIDING OFFICER. The majority side has 6 minutes 52 seconds; the minority time is expired. The time for voting was earlier extended to 2 minutes after 2 o'clock.

Mr. HOLLINGS. Is the Senator from South Carolina the majority or the minority? We have not clarified that. The time was supposed to be equally divided, and we have not said a word on this side.

Mr. DOLE. Five minutes?

Mr. HOLLINGS. I don't know if I need 5 minutes: I am being persuaded by my colleagues they have heard enough from me.

Mr. DOLE. I am happy to yield 5 minutes of our time. That would leave 2 minutes to the Senator from Utah.

Mr. HOLLINGS. I will take 2 minutes.

Mr. President, right to the point. We assume that the contention of the sponsors of this bill is that we need tort reform. This contention, however, has been totally contradicted by the data that have been collected on the product liability system. I will go right to the heart of the matter. Of all civil claims filed in the United States of America, 9 percent represent tort claims; and of all the tort claims filed, 4 percent of that 9 percent represent product liability, the subject matter at hand.

If they really want to talk reform, they would obviously go to automobile accidents and many other tort cases, which represent the overwhelming majority of tort cases filed, not product liability. That refutes that particular contention.

They contend, ''Well, wait a minute, there is a litigation explosion.'' That was refuted at all the hearings, and studies by the Rand Corp., the General Accounting Office, and Prof. Marc Galanter of the University of Wisconsin. What these studies have shown is that the fact of the matter is that product liability claims now are in a diminishing scale. That is why they say at the State's level, ''Look, we do not have a problem. We oppose this measure.'' Both the Association of State Legislatures, and the Association of State Supreme Court Justices are on record as opposing this bill.

The American Bar Association, the Association of State Supreme Court Justices, the State attorneys general, everybody connected with the law on this particular score comes, testifies, and opposes this measure for the simple reason, No. 1, they do not really find a crisis, or cause for Federal action.

And in the context of eliminating duplicity and confusion, the proponents of this bill will actually add to the confusion, add to the complexity, by enunciating rules of guidelines at the Federal level, to be interpreted and administered by the 50 States in accordance with their own law. However, their refusal to establish a Federal cause of action is evidence that they do not believe in their own bill.

This bill, in fact, is a manufacturers bill—but they exempt themselves. I see the Chair now is limiting my time. It just goes against any kind of sound procedure.

If everybody is in step, Senator, with the contract, this is exactly opposed to the contract. The contract says that

the best government is that closest to the people.

They keep quoting Jefferson around here, and instead of block grants like they have for crime and block grants for welfare back to the States, block grants for housing back to the States, here they want to take the authority, the 200-some-year authority from the States and relegate it to the Federal bureaucrats.

I am finally getting in step with the contract. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to urge my colleagues to vote in support of cloture on the Gorton substitute for the product liability bill as amended.

The American people support these commonsense changes to this bill. A majority of the Senate has supported these commonsense changes to the bill. But defenders of the status quo are now filibustering the bill and filibustering the changes Americans want.

Who benefits if they win? Some—just some—of our Nation's trial lawyers benefit: those who want to keep the status quo.

Who benefits the most in the status quo? Who has the largest stake in maintaining this out-of-control civil justice system and its runaway punitive damages? I think most of my colleagues know who. Some of our Nation's trial lawyers. And I believe most Americans understand that, as well.

The opponents of change may want to shroud this issue under a smokescreen of high-blown rhetoric, but when the smoke clears we will see some of the Nation's trial lawyers laughing all the way to the bank. Who else could defend a system where an undisclosed $601 paint refinishing of an automobile results in a $2 million punitive damage award? Who else could defend a system where an insurance agent's misrepresentation about a $25,000 policy could result in a jury award of $25 million in punitive damages?

We could go on and on. Now, the fact of the matter is, I am not talking about all trial lawyers, just some who literally have milked this system dry.

Everybody knows we have to make these changes. There are excesses in the system, and these excesses are ones that only trial lawyers, some trial lawyers, could love. Runaway punitive damages is one of those excesses.

I urge our colleagues to vote for cloture on this next vote and help us to bring about the change that all America wants and only a few trial lawyers want to avoid.

Mr. President, I rise today to urge my colleagues to support cloture on the Gorton substitute to the product liability bill, as amended. The American people support commonsense change in our legal system. But the stubborn defenders of the status quo are now filibustering the change Americans want. Who benefits? Some of our Nation's trial lawyers, that's who.

As I have mentioned earlier, this bill represents the culmination of a longstanding, bipartisan effort to correct some of the more egregious faults of our product liability and civil justice systems. The defects in our product liability system have been long recognized.

We also passed a provision to apply punitive damage reform to all civil cases whose subject matter affects commerce. As I noted during that debate, punitive damage awards have grown out of control in this country. They have been out of control in all civil litigation—not just product liability cases. Even opponents of this legislation have pointed out time and again that excessive punitive damage awards in this country are most heavily evident in nonproduct liability cases. I agree. That is why I cosponsored the Dole punitive damages amendment, and why I was so pleased that a majority of my colleagues supported it.

That amendment improves the underlying bill by addressing more completely the crippling litigation costs that have been imposed not only on our product manufacturers but on cities and counties, volunteer organizations, service providers, small businesses, and others.

We have also added medical malpractice reform to the Gorton substitute.

Mr. President, I have listened as the champions of the status quo have mislabeled this bill as a manufacturer's bill. It is a pro-consumer bill. I have listened as these opponents of change in our civil justice system talk about the bill as narrowly drawn, covering only some participants in our national economy, even as they, ironically, resist efforts to have some provisions of the bill extended to cover all civil actions. These comments are, with all due respect, diversionary in their effect.

Who benefits the most from the status quo? Who has the largest stake in maintaining, in place, this out of control civil justice system and a runaway punitive damages system? I think most of my colleagues know who—some of our Nation's trial lawyers. I believe most Americans understand that, as well.

The opponents of change may wish to shroud this issue under a smokescreen of high blown rhetoric. But when the smoke clears, there are some of the Nation's trial lawyers, laughing all the way to the bank. Who else could defend a system where an undisclosed $601 paint refinishing of an automobile results in a $2 million punitive damage verdict? Who else could defend a system where an insurance agent's misrepresentation about a $25,000 policy could result in a jury award of $25 million in punitive damages? Who else could defend a $38 million punitive damage verdict over the handling of a car loan? Who else could defend a system where liability concerns impede volunteer organizations and are so costly to them?

Now, I am not talking about all trial lawyers, and I understand the vital role lawyers play in vindicating individual rights. But lets face it: there are excesses in the system only some trial lawyers could love.

Runaway punitive damages are one of those excesses. The pending measure fixes this problem, and others. I urge a vote for cloture and allow us to give the American people the commonsense legal reform they want.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 2:02 having arrived, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Gorton Amendment No. 596 to H.R. 956, the Product Liability bill.

Bob Dole, Slade Gorton, Orrin G. Hatch, Dirk Kempthorne, Pete V. Domenici, Conrad Burns, John Ashcroft, Dan Coats, Bill Frist, Olympia J. Snowe, Spencer Abraham, Nancy Landon Kassebaum, James J. Jeffords, Ted Stevens, Mark O. Hatfield, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Gorton amendment No. 596 to H.R. 956, the product liability bill, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote ''aye.''

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—47

Abraham	Coats	Frist
Ashcroft	Coverdell	Gorton
Bennett	Craig	Gramm
Bond	DeWine	Grams
Brown	Dole	Grassley
Burns	Domenici	Gregg
Campbell	Exon	Hatch
Chafee	Faircloth	Hatfield